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REMARKS

Applicants have carefully studied the Office Action. This paper is intended to be fully responsive to all points of rejection and objection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Status of Claims

Claims 1-12 are pending in the application. Claims 1-4 have been rejected. Claims 1-4 have been amended. Claims 5-12 have been added.

Applicants respectfully assert that the amendments to the claims and the addition of new claims add no new matter.

Telephone Interview

Applicants would like to thank Examiner Stanley Pruchnic and Examiner Gail Verbitsky for the courtesy of the telephonic interview with Caleb Pollack, an attorney of record, and Rachel Bentov, a representative of the Assignee, on December 14, 2004.

During the interview, it was agreed that the amendments proposed in the proposed interview topics sent to Examiner Pruchnic on December 13, 2004 would overcome the prior art rejections of record pending further analysis of the prior art and further search by the Examiner. These amendments are reflected in the amendments above. Shouji et al. ("Shouji") United States Patent Number 4,786,969, and Wand et al. ("Wand") United States Patent Number 6,267,501 were discussed.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1-2 under 35 U.S.C. § 102(b) as being anticipated by Shouji. Applicants respectfully traverse the rejections of claims 1-2 under 35 U.S.C. § 102(b) as being anticipated by Shouji.

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During the December 14, 2004 telephonic interview, Applicants' representatives and the Examiners agreed on amendments to claims 1-2 as reflected above that overcome the prior art rejections of record.

Independent claim 1 as amended includes, inter alia, "sensing the dark current noise of the image sensing module ... comparing a dark current data sample to a previous sample; and determining the temperature change in vivo according to the comparison." Independent claim 1 as amended includes, inter alia, "said integrating unit receiving dark current noise samples from the image sensor, and said change detector detecting changes between dark current noise samples and determining the temperature change in vivo according to the changes."

For a prior art reference to anticipate a claim, all elements of the claim must be taught by the reference. Applicants respectfully submit that Shoji does not teach or suggest determining a temperature change in-vivo according to dark current samples. Shoji describes a video camera, which is not used in-vivo, and Shoji does not calculate or determine a temperature change. Therefore claims 1-2 are allowable, and Applicants respectfully request that the rejection of claims 1-2 under 35 U.S.C. § 102(b) as being anticipated by Shoji be withdrawn.

In the Office Action, the Examiner rejected claims 1-4 under 35 U.S.C. § 102(e) as being anticipated by Wand. Applicants respectfully traverse the rejections of claims 1-4 under 35 U.S.C. § 102(e) as being anticipated by Wand.

During the December 14, 2004 telephonic interview, Applicants' representatives and the Examiners agreed on amendments reflected above that overcome the prior rejections of record.

Wand does not teach determining a change in temperature in-vivo based on dark current or dark current samples, as generally and variously required by Applicants' independent claims 1-4, as amended. Wand describes a video camera, which is not used in-vivo, and Wand does not compare or analyze dark current samples, but rather compares a dark current sample to a light current sample. Further, Wand does not calculate or determine a temperature change, but rather an absolute temperature.

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Applicants therefore respectfully request that the rejections of claims 1-4 under 35 U.S.C. § 102(e) as being unpatentable over Wand be withdrawn.

Remarks to New Claims

Applicants have added new dependent claims 5-12 to further define Applicants' claimed invention. Each of claims 5-12 depend from one of amended independent claims 1-4 which, as discussed above, are allowable, and therefore include at least the limitations of one of claims 1-4. Therefore, Applicants respectfully submit that new claims 5-12 are likewise allowable.

Conclusion

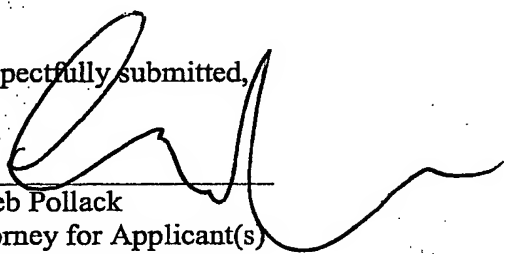
For at least the foregoing reasons, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Response and Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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No fees are believed to be due in connection with this paper. However, should there be any fees associated with this paper, please charge to deposit account No. 05-0649.

Respectfully submitted,



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